

Charles Capetanakis (CC 1120)
DAVIDOFF MALITO & HUTCHER LLP
605 Third Avenue, 34th Floor
New York, NY 10158
Phone: (212) 557-7200
Fax: (212) 286-1884
Local Counsel for the Plaintiffs

James Bopp, Jr. (JB 0781)*
Joe La Rue (JL 2423)*
BOPP, COLESON & BOSTROM
1 South 6th Street
Terre Haute, IN 47807
Phone: (812) 232-2434
Fax: (812) 235-3685
Lead Counsel for the Plaintiffs

* Application for leave to appear pro
hac vice for this case made by Motion on
February 11, 2008 pursuant to Local Civil
Rule 1.3(c).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

TOM OGNIBENE, et al.,

Plaintiffs,

-against-

C.A. No. 08 CV 01335 (LTS) (TDK)

SCHWARZ, et al.,

Defendants.

X

DECLARATION OF VIVIANA VAZQUEZ-HERNANDEZ

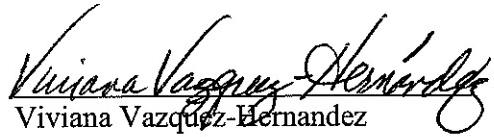
I, Viviana Vazquez-Hernandez, make the following declaration pursuant to 28 U.S.C. §

1746:

1. I am the Republican State Committee Woman For Assembly District No. 51. I am over eighteen years of age and my statements herein are based on personal knowledge.
2. In 2005, I ran for New York city council member.
3. I would like to run for city council member again in the future as a participating candidate, but believe I will be unable to raise sufficient funds because of sections 3-703(1-a), 3-703(1)(l), and 3-702(3) of the Code.
4. I would like to solicit and accept contributions in excess of \$250 from those having business dealings with the city, but cannot because of section 3-703(1-a) of the Code. I would also like to solicit and accept contributions from limited liability companies, limited liability partnerships, and partnerships, but cannot because of section 3-703(1)(l) of the Code. I would also like to receive matching funds for these contributions, but cannot under section 3-702(3) of the Code.
5. I expect that I would receive a substantial amount of financial support from those having business dealings with the city. I also expect that I would receive a substantial amount of support from limited liability companies, limited liability partnerships, and partnerships, if they were allowed to contribute. It is doubtful that I would receive substantial support from labor organizations.
6. I have decided that I cannot run for city council member so long as sections 3-703(1)(l), 3-703(1-a), and 3-702(3) remain in place.
7. Sections 3-702(3), 3-703(1-a), and 3-703(1)(l) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

8. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 22, 2008.



Viviana Vazquez-Hernandez
138 23rd Street, Apt # 1
Brooklyn, New York 11232-1111